

AGENDA

TROY CITY COUNCIL

March 6, 2000- 7:30 P.M.
Council Chambers - City Hall
500 West Big Beaver

INVOCATION

Dr. Kenneth D. Lister
First Presbyterian Church

ROLL CALL

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REGULAR BUSINESS

Persons interested in addressing City Council on items, which appear on the printed Agenda, may do so at the time the item is discussed. For those addressing City Council, time may be limited to not more than twice nor longer than five (5) minutes on any question, unless so permitted by the Chair, in accordance with the *Rules of Procedure of the City Council*, Article 12, as amended April 12, 1999.

Persons interested in addressing City Council on items which are not on the printed Agenda may do so under the last item of the Regular Business (F) Section.

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COUNCIL COMMENTS

COUNCIL REFERRALS

Visitors

Any person not a member of the Council may address the Council with the permission of the Mayor, after clearly stating the nature of his/her inquiry. Any such matter may be

deferred to another time or referred for study and recommendation upon the request of any one Council Member except that by a majority vote of the Council Members elect, said matter may be acted upon immediately. The Mayor may require that such inquiries or comments be heard at such time as the related subject may appear on the prepared Agenda. No person not a member of the Council shall be allowed to speak more than twice or longer than five (5) minutes on any question, unless so permitted by the Chair. The Council may waive the requirements of this section by a majority of the Council Members elect. (*Rules of Procedure for the City Council*, Article 12, as amended April 12, 1999.)

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ADJOURN

Minutes**A-1**

Regular Meeting – February 21, 2000
Special Meeting - February 23, 2000
Study Session - February 29, 2000

PUBLIC HEARINGS

Effect of Community Development Block Grant on Section 36 Drainage Improvements on the Floodplain**C-1**

This item has been withdrawn by the Administration. All conditions have been met by the previously held hearing.

TABLED ITEMS

Proposed Rezoning – Section 16 – East of Finch, North of Wattles, from R-1B to C-F (Z-660)**D-1**

Because of objections filed by abutting property owners, this rezoning will require 5 Council members voting in favor of the request.

Suggested Resolution

Moved by:

Seconded by:

(a) Resolution to Table as Recommended by the Administration

RESOLVED, that this item be TABLED to May 1, 2000.

(b) Approved as Requested by the Petitioner

BE IT RESOLVED, that the request for the rezoning of the 10.2 acre St. Nicholas Church site on the north side of Wattles, east of Finch, from R-1B (One Family Residential) to C-F (Community Facilities) be approved, as recommended by staff, and a copy shall be attached to and made a part of the original minutes of this meeting.

(b) Denied as Recommended by the Planning Commission

BE IT RESOLVED, that the request for the rezoning of the 10.2 acre St. Nicholas Church site on the north side of Wattles, east of Finch, from R-1B (One Family Residential) to C-F (Community Facilities) be denied, as recommended by the Planning Commission.

Request for Transfer of Employment – Textron Automotive**D-2****Suggested Resolution**

Moved by:

Seconded by:

RESOLVED, that the Troy City Council hereby grants a transfer of employment to

Textron Automotive Company for purposes of meeting eligibility requirements for MEGA tax credits that will result in the relocation of eight employees from its leased facility at 750 Stephenson Highway to its new technical center.

Yes:

No:

CONSENT AGENDA

The Consent Agenda includes items of a routine nature and will be approved with one motion. That motion will approve the recommended action for each item on the Consent Agenda. Any Council Member may remove an item from the Consent Agenda and have it considered as a separate item. A member of the audience who wishes to speak in opposition to the recommended action for any given Consent Agenda item may do so with the approval of a majority vote of City Council. Any item so removed from the Consent Agenda shall be considered after other items on the consent portion of the agenda have been heard. (*Rules of Procedure for the City Council, Article 10, as amended April 12, 1999.*)

Approval of Consent Agenda

E-1

Suggested Resolution

Moved by:

Seconded by:

RESOLVED, that all items as presented on the Consent Agenda are hereby approved as presented with the exception of Item(s) _____, which shall be considered after Consent Agenda (E) items, as printed.

Yes:

No:

Bid Award for Standard and Compound Water Meters

E-2

Suggested Resolution

RESOLVED, that a contract to provide water meters is hereby awarded to the sole bidder, SLC Meter Service, Inc., at unit prices contained in the bid tabulation opened February 11, 2000, a copy of which shall be attached to the original minutes of this meeting.

Options to Renew: (a) Aquatic Maintenance and Repair Service Contract; (b) Mobile Communications Contract Services

E-3

(a) Aquatic Maintenance and Repair Service Contract

Suggested Resolution

WHEREAS, on March 29, 1999, a contract was awarded to Northwest Pools, Inc., the low bidder meeting specifications, for Aquatic Center Maintenance and Repair Services (Resolution #99-146); and

WHEREAS, Northwest Pools Inc. has agreed to exercise the renewal option contained in the contract for an additional one year under the same hourly rates, terms, and conditions; and

WHEREAS, it is the determination of the City Manager and City Council of the City of Troy that no benefit would result for the City to solicit additional sealed bids;

NOW, THEREFORE, BE IT RESOLVED, that bidding procedures are hereby waived and the option to renew the contract with Northwest Pools, Inc. to provide Aquatic Center Maintenance and Repair Services is hereby approved through March 29, 2001, under the same hourly rates, terms and conditions.

(b) Mobile Communications Contract Services

Suggested Resolution

WHEREAS, on March 13, 1995, a five year contract was awarded to Mobile Communications Service (name changed to Wireless Resources, Inc.) to provide labor and replacement parts for radio and emergency warning equipment maintenance, repair and installation (Resolution #95-252); and

WHEREAS, the contract contained an option to renew for an additional two year period and Wireless Resources, Inc., has agreed to exercise one year of the option under the same prices, terms, and conditions; and

WHEREAS, it is the determination of the City Manager and City Council of the City of Troy that no benefit would result for the City to solicit additional sealed bids;

NOW, THEREFORE, BE IT RESOLVED, that bidding procedures are hereby waived and the contract with Wireless Resources, Inc., to provide labor and replacement parts for radio and emergency warning equipment maintenance, repair and installation is hereby approved based upon the same prices, terms and conditions through June 30, 2001.

Authorization to Defend - Rabbani et al v City of Troy

E-4

Suggested Resolution

RESOLVED, that the City Attorney is hereby authorized and directed to represent the City of Troy in any and all claims and damages in the matter of Rabbani et al v City of Troy and to retain any necessary expert witnesses and outside legal counsel to adequately represent the City.

Approval of Contract with Michigan Department of Transportation for the Preliminary Engineering of Rochester Road, Torpey to Barclay, Project No. 99.203.5

E-5

Suggested Resolution

RESOLVED, that the Contract between the Michigan Department of Transportation and the City of Troy for Preliminary Engineering of Rochester Road, Torpey to Barclay, (to be completed by Hubbell, Roth & Clark, Inc. for the City as approved by Resolution # 99-566 and #99-567 at a not to exceed fee of \$452,086.86), is hereby approved in the amount of \$463,500 with the total Federal allocation being \$379,400 with a corresponding local share of \$84,100 budgeted in the Major Road Capital Fund and the Mayor and City Clerk are authorized to execute the documents.

Final Plat Approval - Rolling Hills Subdivision - South of South Boulevard, West of Livernois - Section 4

E-6

Suggested Resolution

RESOLVED, that Final Approval of the Plat for Rolling Hills Subdivision located south of South Boulevard, West of Livernois in Section 4, is hereby granted.

Proposed Amendment to Chapter 106 - Traffic - of the Code of the City of Troy

E-7

Suggested Resolution

RESOLVED, that an ordinance to amend Sections 5.82 and 5.83 of Chapter 106, Traffic, of the Code of the City of Troy, to reflect recent changes in State law requiring all children under the age of 4 years to be restrained in a car seat that meets Federal standards, and all children between the ages of 4 and 16 years be properly restrained in motor vehicles, whether in the front or rear seat, is hereby approved, and a copy shall be attached to the original minutes of this meeting.

Compensation for City Attorney

E-8

Suggested Resolution

RESOLVED, that the salary of the City Attorney shall be \$98,000 per year, effective January 1, 2000, and the City Attorney shall continue to be included in the "exempt class" and be provided the fringe benefits for this class.

Closed Session

E-9

Suggested Resolution

RESOLVED, that the City Council of the City of Troy shall meet in Closed Session as permitted by State Statute MCLA 15.268, Sections 8 (a), (d), and (h) (material exempt from discussion or disclosure under the Michigan Freedom of Information Act), after adjournment of this meeting.

Set Special Meeting for March 13, 2000

E-10

Suggested Resolution

RESOLVED, that a Special Meeting is hereby established for Monday, March 13, 2000, at 7:00 p.m. in the Lower Level Conference Room at City Hall, said meeting to be held in conjunction with the Study Session previously established.

Reimbursement Resolutions - Bond Proposals "B" and "C"

E-11**(a) Bond Proposal "B"****Suggested Resolution**

WHEREAS, the City Council (the "City Council") of the City of Troy, County of Oakland, State of Michigan (the "City"), has determined that it is in the best interest of the residents and property owners of the City that the City acquire, construct and equip new public safety facilities for police and fire department services and the sites therefore and renovate, reconstruct and equip the existing City Hall Building and appurtenant facilities in the City and pay all necessary costs related thereto; and,

WHEREAS, at a general election on April 5, 1999, the qualified electors of the City approved Proposal B which authorized the issuance of general obligation bonds of the City in the principal sum of not to exceed \$18,000,000, in one or more series, (the "Bonds") for the purpose of paying all or part of the cost of acquisition, construction and equipping of new public safety facilities for police and fire department services and the renovation, reconstruction and equipping of the existing City Hall Building and appurtenant facilities in the City, and related site furnishings and improvements and all costs related thereto (the "Project"); and

WHEREAS, the City Council has determined that certain preliminary expenditures are required in connection with the acquisition, construction and installation of the Project; and

WHEREAS, the City Council desires to make certain declarations for the purpose of complying with the reimbursement rules of Treasury Regulation §1.150-2 pursuant to the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, the City intends, at this time to state its intention to be reimbursed from proceeds of the Bonds to be issued for any expenditures undertaken by the City for the aforescribed Project prior to issuance of the Bonds;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. §1.150-2 pursuant to the Code:
 - (a) As of the date hereof, the City reasonably expects to reimburse the general fund of the City for the expenditures described in (b) below with proceeds of bonds to be issued by the City.
 - (b) The expenditures described in this paragraph (b) are for the costs of acquiring, constructing, equipping and installing the Project described in the

preamble to this resolution together with the sites therefore and all necessary appurtenances and attachments thereto which were or will be paid subsequent to sixty (60) days prior to the date hereof.

- (c) The maximum principal amount of debt expected to be issued for the Project, including issuance costs, is not to exceed \$18,000,000.
 - (d) A reimbursement allocation of the expenditures described in (b) above with the proceeds of the borrowing described herein will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the debt to be issued for the Project to reimburse the City for a capital expenditure made pursuant to this resolution.
 - (e) The expenditures described in (b) above are "capital expenditures" as defined in Treas. Reg. §1.150 (b), which are any costs of a type which are properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of placed in service under Treas. Reg. §1.150-2(c) under general federal income tax principles (as determined at the time the expenditure is paid).
 - (f) No proceeds of the borrowing paid to the City as reimbursement pursuant to this resolution will be used in a manner described in Treas. Reg. §1.150-2(h) with respect to abusive uses of such proceeds, including, but not limited to, using funds corresponding to the proceeds of the borrowing in a manner that results in the creation of replacement proceeds (within Treas. Reg. §1.148-1) within one year of the reimbursement allocation described in (d) above.
 - (g) Expenditures for the Project to be reimbursed from the proceeds of the borrowing for purposes of this resolution do not include: (i) costs for the issuance of the debt, (ii) an amount not in excess of the lesser of \$100,000 or five percent (5%) of the proceeds of the borrowing, or (iii) preliminary expenditures not exceeding twenty percent (20%) of the issue price of the borrowing, within the meaning of Treas. Reg. §1.150-2(f) (such preliminary expenditures include architectural, engineering, surveying, soil testing and similar costs incurred prior to construction of the Project, but do not include land acquisition, site preparation, and similar costs incident to commencement of construction).
2. All resolutions and parts of resolutions, insofar as they conflict with the provisions of this resolution, are hereby repealed.

(a) **Bond Proposal "C"**

Suggested Resolution

WHEREAS, the City Council (the "City Council") of the City of Troy, County of Oakland, State of Michigan (the "City"), has determined that it is in the best interest of the residents and property owners of the City that the City renovate and improve the City's Community Center Building, the site therefore and facilities related thereto and acquire and improve additional park lands and open space for recreational use and pay all necessary costs related thereto; and,

WHEREAS, at a general election on April 5, 1999, the qualified electors of the City approved Proposal C which authorized the issuance of general obligation bonds of the City in the principal sum of not to exceed \$18,000,000, in one or more series, (the "Bonds") for the purpose of paying all or part of the cost of renovation and improvements to the City's Community Center Building, the site therefore and any furnishings and facilities related thereto and all or part of the cost of the acquisition and improvement of additional park lands and open space for recreational use and all the costs related thereto (the "Project"); and

WHEREAS, the City Council has determined that certain preliminary expenditures are required in connection with the Project including, but not limited to, expenditures for acquisition of certain parcels of real property for park lands and/or open space for recreational use; and

WHEREAS, the City Council desires to make certain declarations for the purpose of complying with the reimbursement rules of Treasury Regulation Section 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, the City intends, at this time to state its intention to be reimbursed from proceeds of the Bonds to be issued for any expenditures undertaken by the City for the aforescribed Project prior to issuance of the Bonds.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. §1.150-2 pursuant to the Code:
 - (a) As of the date hereof, the City reasonably expects to reimburse the general fund of the City for the expenditures described in (b) below with proceeds of bonds to be issued by the City.
 - (b) The expenditures described in this paragraph (b) are for the costs of acquiring and constructing the Project described in the preamble to this resolution which were or will be paid subsequent to sixty (60) days prior to the date hereof.
 - (c) The maximum principal amount of debt expected to be issued for the Project, including issuance costs, is not to exceed \$18,000,000.
 - (d) A reimbursement allocation of the expenditures described in (b) above with the proceeds of the borrowing described herein will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Project is placed in service or abandoned, but in no event more

than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the debt to be issued for the Project to reimburse the City for a capital expenditure made pursuant to this resolution.

- (e) The expenditures described in (b) above are "capital expenditures" as defined in Treas. Reg. §1.150 (b), which are any costs of a type which are properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of placed in service under Treas. Reg. §1.150-2(c) under general federal income tax principles (as determined at the time the expenditure is paid).
 - (f) No proceeds of the borrowing paid to the City as reimbursement pursuant to this resolution will be used in a manner described in Treas. Reg. §1.150-2(h) with respect to abusive uses of such proceeds, including, but not limited to, using funds corresponding to the proceeds of the borrowing in a manner that results in the creation of replacement proceeds (within Treas. Reg. §1.148-1) within one year of the reimbursement allocation described in (d) above.
 - (g) Expenditures for the Project to be reimbursed from the proceeds of the borrowing for purposes of this resolution do not include: (i) costs for the issuance of the debt, (ii) an amount not in excess of the lesser of \$100,000 or five percent (5%) of the proceeds of the borrowing, or (iii) preliminary expenditures not exceeding twenty percent (20%) of the issue price of the borrowing, within the meaning of Treas. Reg. §1.150-2(f) (such preliminary expenditures include architectural, engineering, surveying, soil testing and similar costs incurred prior to construction of the Project, but do not include land acquisition, site preparation, and similar costs incident to commencement of construction).
2. All resolutions and parts of resolutions, insofar as they conflict with the provisions of this resolution, are hereby repealed.

REGULAR BUSINESS

Proposed Revisions to Chapter 79

F-1

Suggested Resolution

Moved by:

Seconded by:

RESOLVED, that an ordinance to amend Article 27 of Chapter 79 of the Code of the City of Troy is hereby approved in accordance with a memorandum dated February 15, 2000, and a copy of the amendment shall be attached to and made a part of the original minutes of this meeting.

Yes:

No:

Renewal of Resolutions for Efficient Library Operations

F-2**a) Full Participation in the Library Cooperative of Macomb****Suggested Resolution**

Moved by:

Seconded by:

WHEREAS, the State Aid to Libraries Act (P.A. 89 of 1977) provides for the establishment of cooperative libraries and increases state aid to local public libraries; and

WHEREAS, since 1977 the Troy Public Library has been a member of the Library Cooperative of Macomb (Resolution 77-1142); and

WHEREAS, the Troy Public Library has taken advantage of the complete compliment of services offered by the Cooperative including but not limited to automation, cataloging, centralized purchasing, continuing education, delivery, interlibrary loan program, material selection aides, publicity and promotion, and printing; and

WHEREAS, the Troy Public Library requests to continue full participation in all services provided by the Cooperative and according to the Ordinance, Chapter 7, Section 5. Except to Competitive Bidding, Paragraph 2. "When Council shall determine by unanimous resolution of those present that the public interest will be best served by purchase from or joint purchase with another unit of government";

NOW, THEREFORE, BE IT RESOLVED, that the Troy Public Library is hereby authorized to fully participate in the Library Cooperative of Macomb in an estimated annual amount of \$540,000.

Yes:

No:

b) Renewal of the Waiver of Bid for the Purchase of Library Materials through Specialized Vendors**Suggested Resolution**

Moved by:

Seconded by:

WHEREAS, in 1981 (Resolution #81-256) authorized the Troy Public Library to purchase library books and audio-visual materials; and

WHEREAS, each year specialized materials in various formats are purchased from a few specialized vendors who may be the only collective service to provide a group of specialized materials or required computerized services needed to eliminate the need to deal with hundreds of individual publishers and, therefore, making the acquisition of materials efficient and cost effective; and

WHEREAS, it is the determination of the City Manager and City Council of the City of Troy that no benefit would result to the City to solicit additional sealed bids;

NOW, THEREFORE, BE IT RESOLVED, that formal bidding procedures are hereby waived and the Troy Public Library is authorized to purchase materials from the specialized sources who meet the above description; the materials purchased under this resolution are estimated to be \$50,000 annually.

Yes:

No:

c) Renewal of Waiver of Bid for Sole Source Library Materials

Suggested Resolution

Moved by:

Seconded by:

WHEREAS, in 1985 (Resolution #85-533) and reaffirmed in 1986 (Resolution #86-813) The Troy Public Library was authorized to purchase library books, audio-visual materials etc. not available through sources who can provide volume discounts since certain Library materials are copyrighted or available from only one source (i.e. *Moody's Manuals, Dun & Bradstreet's Directories, Gale Research Directories, Facts on File, Standard and Poor's*, etc.); and

WHEREAS, it is the determination of the City Manager and City Council of the City of Troy that no benefit would result to the City to solicit additional sealed bids;

NOW, THEREFORE, BE IT RESOLVED, that formal bidding procedures are hereby waived and the Troy Public Library is authorized to purchase materials from sole source providers in an estimated annual amount of \$250,000.

Yes:

No:

Authorization to Purchase Real Estate - Elro Corporation - Section 11

F-3

Suggested Resolution

Moved by:

Seconded by:

RESOLVED, that the Agreement to Purchase Realty for public purposes between the City of Troy and Elro Corporation being part of Sidwell #88-20-11-201-003 and 023, for purpose of providing park property, is hereby approved; and

BE IT FURTHER RESOLVED, that authorization is hereby granted to purchase the property referenced in the Agreement to Purchase Realty referenced above in the amount of \$610,000.00, plus closing costs.

Yes:

No:

Request from Carroll Investments, Inc.: (a) To Transfer Ownership of 1999 Class C Licensed Business Located at 1477 John R, from V.A.T.M., Inc., (Capraro's Italian Den); (b) Approval of Agreement

F-4

(a) License Transfer

Suggested Resolution

Moved by:

Seconded by:

RESOLVED, that the request from Carroll Investments, Inc., to transfer ownership of 1999 Class C licensed business, located at 1477 John R, Troy, MI, 48083, Oakland County, from V.A.T.M., Inc., be considered for approval.

It is the consensus of this legislative body that the application be recommended for issuance.

Yes:

No:

(b) Agreement

Suggested Resolution

Moved by:

Seconded by:

WHEREAS, the City Council of the City of Troy deems it necessary to enter agreements with applicants for liquor licenses for the purpose of providing civil remedies to the City of Troy in the event licensees fail to adhere to Troy Codes and Ordinances;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Troy hereby approves an agreement with Carroll Investments, Inc., which shall become effective upon approval of the transfer of a 1999 Class C license, at 1477 John R; and the Mayor and City Clerk are authorized to execute the document, a copy of which shall be attached to the original minutes of this meeting.

Yes:

No:

Approval of Architectural Contract - Troy Public Library

F-5

Suggested Resolution

Moved by:

Seconded by:

WHEREAS, architectural services are needed by the Troy Public Library to provide plans for the internal space improvements which were presented to the Troy City Council at the Study Session of December 14, 1998;

NOW, THEREFORE, BE IT RESOLVED, that the contract with Palladia Architects, Inc. for architectural services is hereby approved at a cost of \$15,300.

BE IT FURTHER RESOLVED, that if an unforeseen situation occurs requiring additional work, that work is authorized in an amount not to exceed 10% of the contract amount.

Yes:

No:

Approval of Troy Racquet Club Rates**F-6****Suggested Resolution**

Moved by:

Seconded by:

RESOLVED, that the 2000 rates for court time for Troy Racquet Club are hereby approved as stated in the report from the Parks and Recreation Department dated February 20, 2000, a copy of which shall be attached to and made a part of the original minutes of this meeting.

Yes:

No:

Selection of Dates for Civic Center Site Visits**F-7****Suggested Resolution**

Moved by:

Seconded by:

RESOLVED, that March 17 - 19, 2000 OR March 24 - 26, 2000 be established as dates for site visits to Civic Center sites in Schaumburg, Illinois and/or Reston, Virginia and the City Manager is hereby directed to make arrangements for the visits.

Yes:

No:

COUNCIL COMMENTS**COUNCIL REFERRALS****VISITORS**

Any person not a member of the Council may address the Council with the permission of the Mayor, after clearly stating the nature of his/her inquiry. Any such matter may be deferred to another time or referred for study and recommendation upon the request of any one Council Member except that by a majority vote of the council Members elect, said matter may be acted upon immediately. The Mayor may require that such inquiries or comments be heard at such time as the related subject may appear on the prepared Agenda. No person not a member of the Council shall be allowed to speak more than twice or longer than five (5) minutes on any question, unless so permitted by the Chair. The

Council may waive the requirements of this section by a majority of the Council Members elect. (*Rules of Procedure for the City Council*, Article 12, as amended April 12, 1999).

REPORTS AND COMMUNICATIONS

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Communication from Howard Airriess, Owner of Angel Trucking, Inc., Expressing Appreciation to the Troy Police Dept.	G-8
Communication from Sergeant Lawrence L. Knapp Regarding Citizens Police Academy	G-9
Report Regarding Shorter Cycle Length/Greens - Less Congestion	G-10
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Report Regarding I-75 Cross Median Crashes	G-16
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Order Granting Summary Disposition to the City of Troy in the Matter of Scott v City of Troy and Troy Historical Society	G-17
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Communication from Human Resources Director Peggy Clifton Regarding Labor Negotiations – Troy Police Officers Association	G-18
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Respectfully submitted,

John Szerlag
City Manager